

Administration

General Administration
Policies

**Access to Personal
Information**

**PERSONAL INFORMATION
AT THE
LABORATORY:**

.01 The Laboratory maintains, safeguards, and discloses personal information according to the provisions of the California Information Practices Act (CIPA) and the provisions for access to employee records of the Occupational Health and Safety Act (OSHA [29 CFR 1910.20]). Consult the Communications and Records Management Division (CRM-DO) for questions about personal information practices policy and procedure. Requests for personal information should be directed to the Laboratory's Information Practices Officer, who shall obtain the requested records from the appropriate organizational unit(s).

DEFINITIONS:

.02 The following terms apply to AM 628.

Record

.03 A record is any file or other grouping of information, regardless of physical form or characteristic, about an individual maintained by reference to an identifying particular (for example, the individual's name, photograph, finger print, or a symbol like a social security number or Z number) assigned to the individual.

Personal Information

.04 Personal information is any information that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, educational background, benefits contributions and pension data, attendance, and medical or employment history, including performance assessments and corrective or disciplinary actions.

Disclose

.05 To disclose means to release, transfer, disseminate, or otherwise communicate all or any part of a record by any means.

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|--------------------------------|-----|---|
| Maintain | .06 | The term maintain includes maintain, acquire, use, or disclose. |
| Exposure Record | .07 | An exposure record contains information about environmental or workplace monitoring or measuring of a toxic substance or harmful physical agent or biological monitoring to assess the absorption of a toxic substance or harmful physical agent by body systems. |
| Medical Record | .08 | A medical record means a record of the health status of an employee made or maintained by a physician, nurse, or other health-care personnel. |
| SOURCES OF INFORMATION: | .09 | To the greatest extent practical, the Laboratory shall collect personal information directly from the individual who is the subject of the information rather than from another source. |
| | .10 | If the information is collected from another source, the pertinent record shall identify the source of the information, unless the source was promised that he or she would not be identified and the source is not a supervisor of the individual to whom the information pertains.

<i>NOTE: The identity of a confidential source may be protected by making only such deletions to the record as are necessary for that protection or by providing a comprehensive summary of the substance of the material.</i> |
| RIGHT OF INQUIRY: | .11 | An individual has the right to find out whether a Laboratory organization maintains a record about him or her. When an organization notifies an individual that it holds records about that individual, the notice shall include

The title and business address of the official responsible for maintaining the records,

How to gain access to the records, and

How to contest the contents of the records. |

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- .12 CRM-DO maintains the list of Laboratory organizations that hold records containing personal information. It includes, but is not limited to, the following:
- AA/EEO, Affirmative Action/Equal Employment
 - DHR, Director of Human Resources
 - CONT/RM, Workers' Compensation
 - FIN-2, Payroll
 - FIN-8, Travel
 - HRD-1, Employee Relations
 - HRD-2, Special Employment Programs/Services
 - HS-2, Occupational Medicine
 - HS-5, Industrial and Safety Hygiene
 - HS-8, ES&H Training
 - HS-12, Health Physics Policy and Programs
 - LC, Laboratory Counsel
 - LTO, the Laboratory Training Office
 - OS-DO/SPO, the Operational Safeguards and Security Special Projects Office
 - OS-15, Personnel/Information Security
 - PS-2, Personnel Information Management
 - PS-3, Benefits
 - PS-4, Compensation
 - Organization/Group files.

RIGHT OF ACCESS:

CIPA Requests

- .13 Except as otherwise provided in AM 628, the Laboratory shall permit any individual upon request and proper identification to inspect all the personal information in any record containing personal information and maintained by reference to any identifying particular assigned to the individual within
- 30 calendar days of the request for active records or

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60 calendar days for inactive records in central storage.

Failure to respond within these time limits shall be considered denial of access.

OSHA Requests

- .14 Except as otherwise provided in AM 628, when an employee requests access to a medical or exposure record according to the provisions of 29 CFR 1910.20, the Laboratory shall ensure that access is provided in a reasonable time, place, and manner. If access to the record cannot reasonably be provided within 15 working days, the Laboratory shall within 15 working days apprise the employee of the reason for the delay and of the earliest date when the record can be made available.

Restrictions

- .15 Release of personal information is subject to the restrictions stated in [.28](#) and [.29](#).

Examination of Record

- .16 The individual may
- Inspect the record or an exact copy of the record at a location near the residence of the individual and/or
 - Have an exact copy of the record made within 15 calendar days.
- NOTE:** In disclosing information to an individual, the Laboratory will delete information from disclosure that contains personal information about others.

Fees for Copies

- .17 **CIPA Requests** — Employees who request copies of their own records receive the first set without charge, regardless of the number of pages involved; all subsequent copies cost \$0.10 per page (side) for each page copied. The Laboratory charges fees to all other individuals who request copies of documents under CIPA of \$0.10 per page (side) for requests involving 100 pages or more. No charge is made for requests involving fewer than 100 pages. Fees exclude the cost of any search for and review of the record. Requesters, including employees, should make checks payable to the University of California and send them to the Information

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Practices Officer in CRM-DO, who will send them to the General Accounting Group (FIN-3).

- .18 ***OSHA Requests*** — When an individual requests a medical or exposure record according to the provisions of 29 CFR 1910.20, the Laboratory provides the first copy without cost. Additional copies are provided at a reasonable charge.

Access Based on Authorization

- .19 The individual may also authorize another person of his or her own choosing to inspect the personal information in any record and have an exact copy made. The organization holding the record can require that the individual furnish a written statement authorizing disclosure of the individual's record to another person of the individual's choosing.

ACCESS BY OTHERS:

Required Disclosures

- .20 The Laboratory may not disclose personal information in a manner that would link the information to the individual to whom it pertains except to the individuals or under circumstances for the disclosure of personal information in CIPA 1798.24 that include, but are not limited to, the following:

When the individual to whom the information pertains requests it.

With the prior written voluntary consent of the individual to whom the information pertains and within the time limit specified in the written consent.

NOTE: When an individual signs a release to permit someone else to examine records about the individual (such as a release granting investigators access to records to update a security clearance), the release is considered written consent as described in [21](#).

To Laboratory employees, provided the disclosure is necessary and relevant in the ordinary course of the performance of their official duties when it is related to the purpose for which the information was acquired.

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NOTE: This provision allows an employee's line management, hiring officials, the Internal Evaluation Office (IEO), HRD-1 specialists, Laboratory attorneys, and other agents of the Laboratory and the University of California (UC) access to records containing personal information under appropriate circumstances.

When there are compelling circumstances affecting the health or safety of an individual, if, upon disclosure, the Laboratory attempts to notify the individual to whom the information pertains at his or her last known address.

To a governmental agency when required by state or federal law.

Pursuant to a subpoena, court order, or other compulsory legal process if the Laboratory, before disclosure, reasonably attempts to notify the individual to whom the record pertains.

Pursuant to search warrant.

To a law enforcement or regulatory agency when required in the investigation of unlawful activity or for licensing, certification, or regulatory purposes.

Record of Disclosure

- .21 Each time it makes a disclosure of personal information under one of the final 5 items in the above list, the organization maintaining the record shall keep a record of the disclosure. Records of disclosure shall contain the name, title, and business address of the requester, the date, nature, and purpose of each disclosure, and description of the information disclosed. Records of disclosure shall be retained for 3 years after the disclosure or until the destruction of the original record, whichever is sooner. The record of disclosure is available to the individual when access to the record is requested.

Access by the Public

- .22 The Laboratory will release the following information:
- The employee's name,
 - Date of hire,
 - Job title/classification,

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Gross salary rate,
Organization,
Job description,
Office address,
Office telephone number,
Type of appointment (regular, limited-term, or short-term),
Payroll status (full-time, part-time, or casual),
and
Date of separation.

REQUESTS FOR CORRECTIONS OR DELETIONS:

- .23 An individual may request amendment of a record containing information about him or her by submitting a written request to the group-level manager responsible for maintaining the record.

Response

- .24 The group-level manager shall
- Amend any portion of a record that the individual believes is not accurate, relevant, timely, or complete and inform the individual of the correction made in accordance with the request or
- Inform the individual of the denial of the request to amend the record, the reasons for the refusal, and procedures, if any, for requesting a review of the refusal to amend.

Review for Denied Requests

- .25 If the group-level manager does not grant the individual's request, the group-level manager shall forward the request to his or her division-level manager. The division-level manager shall make a final decision within 30 calendar days from the original receipt of the request. If the division-level manager grants the request, the group-level manager shall amend the record. If the division-level manager denies the request, he or she shall inform the requester in writing. The refusal shall state the reasons the division-level manager denied the request, and a copy shall go in the individual's record. The individual has the right to enter in the

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record a statement of reasonable length explaining the reasons for his or her disagreement.

Disputed Records

- .26 If the organization holding the record discloses any part of a record containing information about which the individual has filed a statement of disagreement, the organization shall clearly note the disputed portion of the record and shall provide the person or agency receiving the information with a copy of the individual's statement and of the organization's reasons for not making the amendment.

RESTRICTIONS ON ACCESS TO PERSONAL INFORMATION:

- .27 An organization can withhold personal information from the individual to whom it pertains if the information
- Is compiled for the purpose of identifying individual criminal offenders and alleged offenders or for the purpose of a criminal investigation.
 - Is contained in any record that could identify an individual and that is compiled at any stage of the process of enforcement of the criminal laws.
 - Would compromise the objectivity or fairness of a competitive examination for appointment or promotion.
 - Is maintained for the purpose of an investigation of an individual's fitness for employment, or of a grievance or complaint, or a suspected civil offense, only so long as not to compromise the investigation.
 - Pertains to the physical or psychological condition of the individual, if the organization determines that disclosure would be detrimental to the individual. If the individual authorizes it in writing, the organization shall disclose the information to a licensed medical practitioner or psychologist designated by the individual.
 - Is required by statute to be withheld from the individual to whom it pertains.

Medical Records

- .28 The Occupational Medicine Group (HS-2) may limit access to medical records, even those that would

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not be detrimental to the individual, to one of the following:

Consultation with the physician for purposes of reviewing and discussing the records requested,

Releasing a summary of facts, or

Releasing records to a physician the individual designates.

ADMINISTRATION OF PERSONAL INFORMATION:

Restriction

- .29 Employees must not make, use, or obtain a record of personal information about someone else unless such information is necessary to the conduct of Laboratory business.

Disposal

- .30 Employees must dispose of records in their custody containing personal information that is no longer necessary to the conduct of Laboratory business according to instructions from CRM-DO.

Safeguards

- .31 Each organization holding records that contain personal information must establish appropriate and reasonable administrative, technical, and physical safeguards to ensure compliance with the provisions of the CIPA, to ensure the security and confidentiality of records, and to protect against anticipated threats or hazards to their security or integrity.

NOTICES:

Forms

- .32 Laboratory forms used to collect personal information must carry a notice that contains the following:

The name of the organization collecting the information.

The title, Mail Stop, and phone number of the person who is responsible for the records and who can tell the individual the location and use of the records.

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The authorization for maintaining the record.

Whether submission of the information is mandatory or voluntary and the consequences of not providing all or any part of it.

Any known or foreseeable disclosures to a governmental agency when required by state or federal law.

The purpose for collecting the information.

The individual's right to access the records that contain personal information about him or her.

- .33 Individuals on whom the Laboratory maintains medical and exposure records must be notified at the time of hire and annually thereafter of

The existence, location, and availability of any such records;

The person responsible for maintaining and providing access to the records; and

The right of access to these records.

- .34 Employees who wish to send education-based questionnaires to other LANL employees to satisfy course requirements as part of an academic program or to obtain data for a research project must obtain approval from the Human Resources Division Leader before distributing the questionnaire.